

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
ISMAEL RUIZ ROLON
MILAGROS MAGALIS ORTIZ GONZALEZ
DEBTOR (S)

CASE NO. 09-08536-ESL
CHAPTER 13

**AMENDED TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$2,550.00**

R2016 STM. \$3,000.00

TOTAL ATTORNEYS FEES THRU PLAN: \$2,574.00 Fees paid: \$0.00 Fees Outstanding: \$2,574.00

With respect to the proposed (amended) Plan dated: **February 12, 2010** (Dkt 15).

Plan Base: **90,340.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]

Debtor must clarify if property listed in Schedule A of the bankruptcy petition (Docket 12) has a lien with LPP Mortgage, since no proof of claim has been filed by such creditor. Please note that the property was listed with a value of \$100,000.00 and with liens with Banco Popular de Puerto Rico in the amount of \$23,272.00 (Claim 5) and with LPP Mortgage in the amount of \$53,000.00. Debtor proposes to make a lump sum payment of \$55,000.00 from funds obtained from the sale or refinancing of such property. If property has a lien with LPP Mortgage, Debtor's interest in the same would be \$23,728.00. If that is the case, Debtor will not be able to make lump sum payment to fund the plan.

- Feasibility [§1325(a)(6)]: Default in payments to Trustee.

Debtor is \$4,712.00 in arrears in payments to the Trustee (eight payments).

- Feasibility: Default in Post Petition DSO payments. [§1325(a)(8)]

Debtor must submit evidence of being current with his Domestic Support Obligation payments.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this June 03, 2011.

/s/ Alexandra Rodriguez -Staff Attorney

JOSE R. CARRION
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